

UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia

_____Alexandria____ Division

2018 JUL -9 P 2:56

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

KEVIN PATRICK KENNEY (Pro Se),

Case No.

1:18CV849

(to be filled in by the Clerk's Office)

TSE/IDD_____
Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

FAIRFAX COUNTY PUBLIC SCHOOLS,

Defendant(s).

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No**COMPLAINT FOR EMPLOYMENT DISCRIMINATION****I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Kevin Patrick Kenney
Street Address	4500 South Four Mile Run Drive, Apartment 209
City and County	Arlington, Arlington County
State and Zip Code	Virginia 22204
Telephone Number	1 (202) 642-7712
E-mail Address	bravoartista@yahoo.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	Fairfax County Public Schools
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Job or Title <i>(if known)</i>	
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Street Address	8115 Gate House Road
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City and County	Falls Church, Fairfax County
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State and Zip Code	Virginia 22042
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Telephone Number	(571) 423-3300
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E-mail Address <i>(if known)</i>	
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Defendant No. 2

Name	
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Job or Title <i>(if known)</i>	
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Street Address	
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City and County	
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State and Zip Code	
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Telephone Number	
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E-mail Address <i>(if known)</i>	
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Defendant No. 3

Name	
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Job or Title <i>(if known)</i>	
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Street Address	
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City and County	
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State and Zip Code	
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Telephone Number	
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E-mail Address <i>(if known)</i>	
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Defendant No. 4

Name	
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Job or Title <i>(if known)</i>	
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Street Address	
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City and County	
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State and Zip Code	
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Telephone Number	
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E-mail Address <i>(if known)</i>	
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C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	Fairfax County Public Schools
Street Address	8115 Gate House Road
City and County	Falls Church, Fairfax County
State and Zip Code	Virginia 22042
Telephone Number	(571) 423-3033

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to *(check all that apply)*:



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Other federal law *(specify the federal law)*:



Relevant state law *(specify, if known)*:



Relevant city or county law *(specify, if known)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☐ Retaliation.
- ☐ Other acts *(specify)*: _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)
From 02/03/2017 through 10/26/2017.

C. I believe that defendant(s) *(check one)*:

- ☒ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☐ race _____
 - ☐ color _____
 - ☐ gender/sex _____
 - ☒ religion Roman Catholic
 - ☒ national origin Mexican
 - ☒ age *(year of birth)* 1959 *(only when asserting a claim of age discrimination.)*
 - ☐ disability or perceived disability *(specify disability)* _____
-

E. The facts of my case are as follows. Attach additional pages if needed.

III E. The facts of my case are as follows:

I was hired as a substitute teacher by the FAIRFAX COUNTY PUBLIC SCHOOLS. I provided continuity to the lectures and students' curriculum, when assigned teachers were absent. Painstaking efforts were made from the beginning of the hiring process that I was not a welcomed candidate. This included: not accepting well-known documents as proof of citizenship, e. g., not accepting social security card and asking instead for birth certificate, current official passport. Questions arose from the character references, transcripts, and professional as well as work references I supplied, where they would ask me to present them with a valid visa or green card, when I had demonstrated through official documentation to be a U.S. Citizen. Once I had completed the human resource process, I was constantly subjected to unwelcomed characterizations such as the "White Mexican," "Grand Pa," "Papist," "The None American." These were used by the Principal and staff while working at the Bren Mar Elementary School. When engaged in a substitute assignment, I was given extra tasks and responsibilities that would delay the implementation of the teachers' study planes. These included unreasonable hours, unfriendly gestures and language pertaining to my national origin, age, and religion, docking my pay for breaks I had not taken. Constantly reminding me that the course of study was just fine as it was, and not to embellish it with observations that might appear to be none American in nature. These were related to geographical names, historical accounts of Native-Americans or cultural differences between countries and regions. In general it was a hostile working environment.

The plaintiff had previous knowledge of my age, national origin, and religion. They objected to my Latin American point of view. It is well known fact that Mexico is a secular Republic. Yet, constantly it is viewed and referred to as a poor "Catholic Country" of a "Native-American" with a Southern Europe origin. Spain, a parliamentary democracy with a deep fervor for Catholic dogma, is at odds with the Northern European, Anglo Saxon, and secular culture. Furthermore, the plaintiff had gleaned my age, national origin, from the application, references, surnames, dates and places where degrees were conferred, U.S. passport, transcripts, and employment history. My church affiliation was established by making use of telephone directories listing church members, and the fact that the great majority of people coming from Latin American are of that faith. And, if not, greatly influenced by its teachings that has filtered through to its culture.

Sean P. McDonald, Director, Office of Talent Acquisition and Management, letter dated October 26, 2017, advised me of my discharge and permanent suspension as a FCPS employee; this was done using an unsubstantiated complaint, which was brought forth by a student and their parents. Where they argued that a student's assignment had been destroyed, and inappropriate language used. The Bren Mar Principal, Jason Pannutti, had made the written assertion on October 11 that a student's writing assignment had been destroyed and discarded on October 6, 2017. An immediate, adverse decision to hinder and subsequent action to impede me from further employment was made on October 26, 2018. This despite my written denial and subsequent e-mails and correspondence that resulted in a futile attempt to clarify the situation, I was subsequently ignored and not given an opportunity to be heard on this matter. I was wrongfully terminated on unsubstantiated allegations and falsehoods.

On or about October 26, 2017, I was removed from my assignment. I was discriminated against due to my national origin, Mexican, my religion, Roman Catholic, in violation of Title VII of the Civil Rights Act of 1964, as amended; as well as due to my age, in violation of the Age Discrimination in Employment Act.

Hired as a substitute teacher to instruct English as a Second Language, Spanish as a Foreign Language Arts, Plastic Arts for the FAIRFAX COUNTY PUBLIC SCHOOLS. Provided continuity to the lectures and students' curriculum, when assigned teachers were absent. Painstaking efforts were made from the beginning of the hiring process that I was not a welcomed candidate. This included: not accepting well-known documents as proof of citizenship, e. g., not accepting social security card and asking instead for birth certificate, current official passport. Questions arose from the character references, transcripts, and professional as well as work references I supplied, where they would ask me to present them with a valid visa or green card, when I had demonstrated through official documentation.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

04/05/2018

- B. The Equal Employment Opportunity Commission *(check one)*:

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on *(date)* 05/01/2018 .

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☒

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

V. Relief:

This civil action seeks to remedy the economic hardships and loss of reputation that resulted from the tarnished image imposed on my career by the Fairfax County Public Schools' liable, defamatory, twisting of facts, resulting in my wrongfully termination on 10/26/2017; in addition, it is an attempt to try to re-establish my good name as a citizen and to be on a good standing within the academic community. Therefore the following things are sought:

- 1) To be re-instated as a substitute teacher.
- 2) Collect loss wages for the period that began on October 16, 2017 until the date reinstated; using an average of 32 hours per week at 14.21 per hour. Collect unpaid wages for 10/20/2017.
- 3) The opportunity to apply for health and life insurance, vacation pay, retirement, discounts, and other benefits, such as the opportunity to earn greater pay, if and when promoted or tenured within the Fairfax County Public Schools program.
- 4) To have my employment record corrected and made available to me; this as a written apology to the protected classes that appear in this complaint and for which I am a member of.
- 5) \$100,000.00 (One hundred thousand 00/100 USD) in punitive damages for the egregious misuse of a public office to infringe on the civil rights of a citizen.
- 6) Court costs and legal fees, if applicable.

In addition to the above, the payment of \$500,000.00 (Five hundred thousand 00/100 USD) made out to KEVIN PATRICK KENNEY, the Plaintiff (Pro Se); this as a means of financial restitution for the loss of time; pain caused by the malicious act to hinder and prevent me from furthering my career as an educator; suffering the disgrace of a loss of trust and good standing within the academic world.

This civil action seeks a remedy to the economic hardships and loss of reputation, due to the tarnished image that has been imposed on my career by the Fairfax County Public School's liable, defamatory, twisting of facts, that resulted in my wrongfully termination on 08/26/2017; in addition, it is an attempt to try to re-establish my good name as a citizen and to be in good standing within the academic community. The following things are sought:

- 1) To be re-instated as a substitute teacher.
- 2) Collect loss wages for the period that began on August 16, 2017 until the date reinstated; using an average of 32 hours per week at 14.21 per hour. Collect unpaid wages for 10/20/2017.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 07/09/2018

Signature of Plaintiff



Printed Name of Plaintiff

Kevin Patrick Kenney

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

KEVIN PATRICK KENNEY (Pro Se),

Plaintiff(s),

v.

Civil Action Number: _____

FAIRFAX COUNTY PUBLIC SCHOOLS,

Defendant(s).

LOCAL RULE 83.1(M) CERTIFICATION

I declare under penalty of perjury that:

No attorney has prepared, or assisted in the preparation of Complaint for Employment Discrimination.
(Title of Document)

Kevin Patrick Kenney
Name of Pro Se Party (Print or Type)

[Signature]
Signature of Pro Se Party

Executed on: 07/09/2018 (Date)

OR

The following attorney(s) prepared or assisted me in preparation of _____.
(Title of Document)

(Name of Attorney)

(Address of Attorney)

(Telephone Number of Attorney)
Prepared, or assisted in the preparation of, this document

(Name of Pro Se Party (Print or Type)

Signature of Pro Se Party

Executed on: _____ (Date)